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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,061	04/04/2001	Mikiya Suzuki	32011-171032	1979
26694	7590	12/18/2003	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			PAYNE, DAVID C	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20043-9998			2633	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/825,061	SUZUKI, MIKIYA
Examiner	Art Unit	
David C. Payne	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 April 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 April 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fee US 5,777,761 (Fee).

Re claim 1, Fee disclosed

A wavelength division multiplex transmission system which distributes transmission signals to be transmitted among a plurality of wavelength components, converts said signals into WDM signals (e.g., col./line: 4/44-46), and transmits said WDM signals to a WDM transmission network, and which restores

WDM signals from said WDM transmission network into said transmission signals (e.g., col./line: 2/28-35); comprising an optical transmission device and optical receiving device, in which said optical transmission device comprises an operating-system optical transmission unit and a standby-system optical transmission unit (e.g., col./line: 4/44-50), and said optical receiving device comprises an operating-system optical receiving unit and a standby-system optical receiving unit (e.g., col./line: 4/44-50); wherein either said operating-system optical transmission unit, or said standby-system optical transmission unit, or both, have optical transmission unit internal defect avoidance means which, upon the occurrence of a prescribed number or fewer of wavelength component transmission defects, executes avoidance of defects within said optical transmission unit (e.g., col./line: 2/15-25).

Regarding claim 2, Fee disclosed

A wavelength division multiplex transmission system in which said optical transmission unit internal defect avoidance means distributes the transmission signals which had been distributed to the wavelength component related to a defect to another,

normal wavelength component, and causes said signals to be transmitted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee US 5,777,761 (Fee) in view of Suzuki US 5,150,243 (Suzuki).

Regarding claim 3, Fee does not disclose when said defect detection means detects a defect, sends defect occurrence member information to an external maintenance member management terminal which performs management of maintenance members, supply processing, or similar.

Suzuki disclosed an external central operations system for managing failed components (e.g., col./line: 2/5-15, 2/30-45). It

would have been obvious to one of ordinary skill in the art at the time of invention to use a central operations system to collect fault information for the benefit of providing a central place to monitor the operational state of the entire network as discussed in Suzuki see col./line: 1/38-42.

Regarding claim 4, the modified invention of Fee and Suzuki disclosed

A communication device in which said defect occurrence member transmission means sends said defect occurrence member information to the transmission network used by the communication device for normal communication (e.g., col./line: 3/30-37)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Glista US 5,229,875 (Glista) disclosed a network with redundant transmitters and receivers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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